## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	) 8:05CR354	
	Plaintiff,	) 8:05CR354 )	
	vs.	) DETENTION ORDER	
JA	IME LAGUNAS,		
	Defendant.	j	
A.	Order For Detention After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 18, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	<ul> <li>Statement Of Reasons For The Detention</li> <li>The Court orders the defendant's detention because it finds:         <ul> <li>X</li> <li>By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.</li> <li>X</li> <li>By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.</li> </ul> </li> </ul>		
C.	grams of methamphetam carries a minimum sent maximum of forty years in [acceptation of the content of the conte	e offense charged: on with intent to distribute in excess of 50 nine in violation of 21 U.S.C. § 841(a)(1) tence of five years imprisonment and a imprisonment. violence. arcotic drug. rge amount of controlled substances, to wit:	
	affect whether the degree the defendant has reconstruction. The defendant has reconstruction and the degree that the degree that the degree degree the degree degree the degree degree the degree the degree degree the degree degree the degree degree the degree de	ears to have a mental condition which may efendant will appear. The family ties in the area. The substantial financial resources. The family ties in the area are substantial financial resources. The family time resident of the community. The not have any significant community ties. The defendant:  The history relating to drug abuse.  The history relating to alcohol abuse.  The history relating to alcohol abuse.  The a significant prior criminal record.  The appear at court	

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(c)	<ul> <li>Probation</li> <li>Parole</li> <li>Release pending trial, sentence, appeal or completion of sentence.</li> </ul> Other Factors:
	<ul> <li>X The defendant is an illegal alien and is subject to deportation.</li> <li>The defendant is a legal alien and will be subject to deportation if convicted.</li> <li>X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.</li> <li>Other:</li> </ul>
	ature and seriousness of the danger posed by the defendant's release follows: The nature of the charges in the Indictment.
In dete the fol which	table Presumptions rmining that the defendant should be detained, the Court also relied on lowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:
<u> </u>	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or(2) An offense for which the maximum penalty is life
	imprisonment or death; or  X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or  (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and
V (1)	the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
<u>X</u> (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:
	<ul> <li>X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.</li> <li>(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).</li> </ul>

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 19, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge